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SUBJECT: REACTION IN THE DRC TO CONFIRMATION  
OF ICC CHARGES AGAINST JEAN-PIERRE BEMBA

¶1. (SBU) Summary: The International Criminal Court (ICC) confirmed war crimes and crimes against humanity charges against DRC opposition leader Jean-Pierre Bemba June 15. The court revised the charges, which stem from acts committed by Bemba's MLC ("Mouvement de Liberation du Congo" in French) troops in the Central African Republic (CAR) in 2002-2003, from personal criminal responsibility to command responsibility, and referred the case to trial. The MLC responded via a press statement dated June 16, denouncing the trial as a settling of political scores and calling for Bemba's release. The trial will likely keep Bemba out of the DRC domestic political scene during local and national elections through 2011 and could create a power struggle within the MLC. End summary.

¶2. (U) The International Criminal Court (ICC) confirmed on June 15 five charges of war crimes and crimes against humanity (including murder, rape and pillaging) against former DRC vice president and current Senator and opposition leader Jean-Pierre Bemba. Two charges (torture and attacks on personal dignity) were dismissed. The court also determined that there was not sufficient evidence to prosecute Bemba as "a co-perpetrator for the crimes against humanity and war crimes" but that there was enough evidence to charge him as "a person effectively acting as a military commander" (and subject to criminal liability as a commander). The court referred the case for trial, although no date has been set.

¶3. (U) Bemba was arrested in May 2008 by Belgian authorities under an ICC warrant and transferred to The Hague in July 2008. The charges are based on crimes committed by MLC troops in the Central African Republic between October 2002 and March 2003. Bemba deployed the forces to support former CAR president Ange-Felix Patasse.

¶4. (U) Francois Mwamba, MLC secretary general, responded to the ICC decision in a June 16 press statement. The MLC noted that the ICC did not confirm charges of personal criminal responsibility, which were specified in the original arrest warrant, but instead confirmed command responsibility charges. The statement went on to denounce the alleged use of the ICC as a tool to settle political scores and the "creation by unorthodox methods" of new (command) charges, called on the ICC to judge strictly according to the law and with impartiality, expressed support for Bemba and called on MLC members to remain active and support the party. Mwamba added that since the original charges were not supported, Bemba should be released.

¶5. (U) Separately, Bemba attorney Aime Kilolo repeated that the reduction in charges from personal responsibility to command responsibility was a victory for Bemba and said he was saving his arguments for the appeals process.

¶6. (SBU) Comment: The ICC charges against Bemba will require a lengthy trial with the potential for a severe sentence, even if Bemba is prosecuted for command vice personal criminal responsibility. It is difficult to consider the change in the nature of the charges as a victory for Bemba, as the MLC leadership

claims, because the trial will keep him in The Hague for several months, if not years, and away from the DRC domestic political environment, most likely including local elections and the 2011 national election. The long-term effect on the leadership of the MLC will also have an impact on the organization of the collective opposition. At the very least, we will witness an internal struggle within the MLC to control the damage and produce a surrogate, if not replacement, for Bemba. End comment.

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